

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the

Federal District of Oregon

Eugene Division

Case No.

6:20-cv-01755-MK

(to be filled in by the Clerk's Office)

Jerry L. Walker

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

American Red Cross & Related Entities,
Organizations, and Individuals

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Jerry Lee Walker
Street Address	General Delivery
City and County	City of Eugene, Lane County
State and Zip Code	Oregon 97401
Telephone Number	(541) 337-2644
E-mail Address	jerry.walker.1974@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name	American Red Cross
Job or Title <i>(if known)</i>	N/A
Street Address	431 18th St NW
City and County	Washington, DC
State and Zip Code	20006
Telephone Number	(800) 733-2767
E-mail Address <i>(if known)</i>	N/A

Defendant No. 2

Name	Related Organizations/Entities/Individuals
Job or Title <i>(if known)</i>	N/A
Street Address	N/A
City and County	N/A
State and Zip Code	N/A
Telephone Number	N/A
E-mail Address <i>(if known)</i>	N/A

Defendant No. 3

Name	N/A
Job or Title <i>(if known)</i>	N/A
Street Address	N/A
City and County	N/A
State and Zip Code	N/A
Telephone Number	N/A
E-mail Address <i>(if known)</i>	N/A

Defendant No. 4

Name	N/A
Job or Title <i>(if known)</i>	N/A
Street Address	N/A
City and County	N/A
State and Zip Code	N/A
Telephone Number	N/A
E-mail Address <i>(if known)</i>	N/A

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

The material portions of this claim involve the following federal statutes:

- 1) Title 18, U.S. Code § 241, "Conspiracy Against Rights";
- 2) Title 18, U.S. Code § 245 "Federally Protected Activities";
- 3) Title 18, U.S. Code § 246 "Deprivation of Relief Benefits";
- 4) Title 18, U.S. Code § 917 "Red Cross Members or Agents";
- 5) Title 18, U.S. Code § 2511(1)(a) "Intercepting a Communication";
- 6) Title 42, U.S. Code § 11302 "General Definition of Homeless Individual";
- 7) Title 42, U.S. Code § 12101-12213, "Americans with Disabilities Act";
- 8) Title 42, U.S. Code § 14141 "Pattern and Practice".

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Jerry Lee Walker, is a citizen of the
State of (name) Oregon.

b. If the plaintiff is a corporation

The plaintiff, (name) N/A, is incorporated
under the laws of the State of (name) N/A,
and has its principal place of business in the State of (name)
N/A.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) N/A, is a citizen of
the State of (name) N/A. Or is a citizen of
(foreign nation) N/A.

b. If the defendant is a corporation

The defendant, (name) American Red Cross, is incorporated under
the laws of the State of (name) District of Columbia, and has its
principal place of business in the State of (name) District of Columbia.
Or is incorporated under the laws of (foreign nation) N/A,
and has its principal place of business in (name) United States of America.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$0.00

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Events related to this claim begin at Thurston High School, located at 333 58th St, Springfield, OR 97478, and continue at the Holiday Inn Express located at 2117 Franklin Boulevard, Eugene, OR, 97403. There are also telecommunications involved in this claim which extend beyond the borders of the State of Oregon.

B. What date and approximate time did the events giving rise to your claim(s) occur?

There are several events which have occurred, some of which are isolated and some of which are suspected to be interrelated as a part of a discernable pattern of treatment.

Key dates in this claim include:

- 1) 09/08/2020; morning
 - 2) 09/16/2020; afternoon, evening, and night
 - 3) 09/17/2020; 17, 2020; early to mid-morning
 - 4) 09/22/2020; daytime
 - 5) 09/28/2020; afternoon
 - 6) 09/30/2020; midday to afternoon
 - 7) 10/05/2020; midday
 - 8) 10/09/2020; late afternoon
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C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

As an evacuee from the Oregon Wildfires of 2020, I have been subject to harassment, intimidation, and disparate treatment by American Red Cross (A.R.C.) staff and representatives onsite, and have experienced similar treatment with their offsite representatives via means of telecommunication. In conjunction, I have been subject to targeted efforts aimed at defaming my character and causing me increased levels of anxiety, fear, and frustration. When raising concerns with onsite and offsite A.R.C. representatives, they have taken a dismissive or placative attitude. On at least one occasion, indirect evidence suggests that my personal computer was unlawfully monitored and that my cellular telephone was subject to temporary outbound denial of service when preparing to file an Americans with Disabilities Act (ADA) complaint with the Department of Health and Human Services in Eugene on October 09, 2020. A timeline with a summary of events and interactions can be found attached to this claim in APPENDIX A. Please see EXHIBITS A & B

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

The events which have transpired on a continuing basis do not involve specific monetary loss, or the loss of any particular object, but they impact my life substantially in the following ways:

- 1) Undue stress and anxiety;
 - 2) Undue burden of proof;
 - 3) Undue worry of exclusion;
 - 4) Undue due-diligence;
 - 5) Undue privacy concerns;
 - 6) Undue discrimination based on class;
 - 7) Undue discrimination based on disability;
 - 8) Undue discriminatory harassment.
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V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

An injunction is requested by the Plaintiff which prohibits the following activities:

- 1) Utilizing any of my personal information not directly obtained by me from a duly trained and appointed American Red Cross representative, volunteer, or service provider;
 - 2) Utilizing any personal information obtained from me for purposes other than those stated at the time such information was provided;
 - 3) Sharing any information received by me with third-parties, entities, or individuals who are not bound by confidentiality to keep such information private and confidential, or with individuals who attempt to improperly gain access to such information in dealings with myself or with the American Red Cross;
 - 4) Coordinating with third-parties, entities, or individuals in an effort to restate, clarify, or embellish information that I have already provided to a duly trained and appointed American Red Cross representative, volunteer, or service provider, or otherwise repeatedly placing me in a position to provide such information to another American Red Cross representative;
 - 5) Referring or directing me to third-parties or social service providers, including homeless shelters and/or otherwise transient situations;
 - 6) Coordinating with others or acting independently to simulate, stage, educate, inform, or influence me or those whom I interact with by non-direct means, such as by inference or by the disjointed construct of any message, regardless of form, format, or intent;
 - 7) Spending a disproportionate amount of time and focus on case management with me if the same efforts are not already underway and being conducted to the same degree for all other evacuees;
 - 8) Gathering my information for required case management outside of a scheduled appointment, with advance notification;
 - 9) Changing points of contact for interactions with American Red Cross representatives for required case management;
 - 10) Avoiding requests for telephone numbers or email addresses where key American Red Cross personnel or representatives can be contacted;
 - 11) Invading my privacy, including accessing or being a party to the accession of any information stored on my computer, personal devices, or correspondence, or by otherwise interfering with technology-related activities to which the American Red Cross or its related entities, organizations, or individuals are not entitled;
 - 12) Blocking inbound or outbound, person-to-person, person-to-entity, or entity-to-person communications initiated by me, or for which I am the intended recipient, or otherwise requesting that such communications be blocked.
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VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

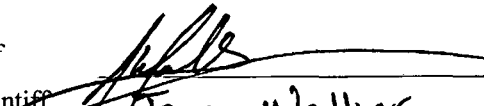
A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10/12/2020

Signature of Plaintiff

Printed Name of Plaintiff


Jerry Walker

B. For Attorneys

Date of signing: 00/00/00

Signature of Attorney	<u>N/A</u>
Printed Name of Attorney	<u>N/A</u>
Bar Number	<u>N/A</u>
Name of Law Firm	<u>N/A</u>
Street Address	<u>N/A</u>
State and Zip Code	<u>N/A</u>
Telephone Number	<u>N/A</u>
E-mail Address	<u>N/A</u>